

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

ELIZABETH OVERSTREET, Individually,)	
and on behalf of Rylie, RYLIE WAGNER'S)	
Wrongful death beneficiaries,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 2:18-cv-4166
)	
HALLSVILLE R-IV SCHOOL DISTRICT,)	
)	
JOHN DOWNS, Individually, and in)	
his capacity as Superintendent, Hallsville R-IV)	
School District,)	
)	
TY SIDES, Individually, and in his capacity as)	
Middle School Assistant Principal,)	
Hallsville R-IV School District,)	
)	
and)	
)	
CLINT HAGUE, Individually, and in his)	
capacity as former Middle School Principal,)	
Hallsville R-IV School District,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants Hallsville R-IV School District, John Downs, Ty Sides, and Clint Hague (collectively, "Defendants"), by and through their undersigned counsel, hereby remove the above-captioned case from the Circuit Court of Boone County, Missouri to the United States District Court for the Western District of Missouri, Central Division. In support of this removal, Defendants state as follows:

1. Plaintiffs' Petition was filed in the Circuit Court of Boone County, Missouri, on July 17, 2018, and the case was assigned number 18BA-CV02843.

2. Plaintiffs served Defendant Hague with a copy of the Petition on July 19, 2018.
3. Defendants Hallsville School District and Downs were served on July 26, 2018.
4. Defendant Ty Sides was served on August 6, 2018.
5. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendants are attached hereto as **Exhibit A**. Defendants have not been served with any other papers, pleadings or orders in this matter.
6. Defendants have not filed an Answer or otherwise responded to Plaintiffs' Petition.
7. Plaintiffs' Petition claims that Defendants violated 20 U.S.C. §1681 *et seq.* as well as the Constitution of the United States. *See* Petition, **Exhibit A**.
8. This Court has original subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331 because Plaintiffs assert claims arising under the Constitution and laws of the United States.
7. Defendant is thus removing this action to this Court pursuant to 28 U.S.C. § 1441(a).
8. Because the Circuit Court of Boone County, Missouri lies within the Western District of Missouri, this Court is the appropriate venue for removal. 28 U.S.C. §§ 1441(a) and 1446(a).
9. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is being filed within thirty (30) days of the date Defendants first received a copy of the Petition.
10. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant shall file a copy of this Notice of Removal with the Clerk of the Circuit Court in Boone County, Missouri. A copy of said Notice to the Clerk is attached hereto as **Exhibit B**.

11. Pursuant to 28 U.S.C. § 1446(d), Defendants will serve Plaintiffs with a Notice of its filing of a Notice of Removal to the Clerk of the United States District Court for the Western District of Missouri, and will serve a copy of this Notice of Removal upon Plaintiffs, promptly after filing this Notice of Removal. A copy of said Notice to Plaintiffs is being filed as a separate document, pursuant to removal requirements.

12. All Defendants consent to this removal.

13. This action is not an action described in 28 U.S.C. §1445.

WHEREFORE, having fulfilled all statutory requirements, Defendants Hallsville R-IV School District, John Downs, Ty Sides, and Clint Hague, request this Court assume full jurisdiction over the matter as provided by law and permit this action to proceed before it as a matter properly removed thereto.

Respectfully submitted,

TUETH KEENEY COOPER
MOHAN & JACKSTADT, P.C.

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***Attorneys for Defendants Hallsville R-IV School
District, John Downs, Ty Sides, and Clint Hague***

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 17th day of August 2018, a true and correct copy of the foregoing document was served via electronic and First-Class U.S. Mail, postage prepaid, upon the following:

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